

**Amendments to the Drawings:**

None

### **REMARKS/ARGUMENTS**

Applicants make of record the telephone conference with the Examiner of September 8, 2009 in which Applicants' attorney inquired whether an amendment to Claim 1 using the term "consisting of" instead of the word "comprising" would make the claim allowable. The Examiner is thanked for the helpful discussion. It was decided that such an amendment would make the claim of the same scope as allowed claim 16.

The Final Office Action of 23 June 2009 stated that Claims 1-3, 5-16 and 18-40 are pending in the application. The examiner has acknowledged that claims 16, 18-29, 32 & 33 are directed to allowable subject matter. Claims 1-3, 6, 9, 11-15, 30, 31 and 39-40 are rejected and Claims 5, 7, 8, & 10 are objected to because they are dependant on rejected claims. Claims 30, 31 and 35-40 are rejected under 35 USC § 112, 2<sup>nd</sup> Par. as being indefinite. Specifically, the preamble of each of these claims should be changed to read "The method..." because the independent claims are directed to a method. Claims 1, 2, 3, 6, 9, 11-15 and 34-40 are rejected as obvious under 35 USC § 103(a) from Gu (cited by applicant in IDS). Claims 5, 7, 8, & 10 are objected to as dependant on rejected claims. Applicants respectfully traverse all rejections of the claims.

Claims 5, 7, 8, & 10 are objected to because they are dependant on rejected claims. The claims have been amended and are now in condition for allowance.

\* Claims 30, 31 and 35-40 are rejected under 35 USC § 112, 2<sup>nd</sup> Par. as being indefinite. Specifically, the preamble of each of these claims should be changed to read "The method..." because the independent claims are directed to a method. Claims 30 & 31 have been amended as suggested and should be allowed along with the allowed claim from which they depend. Claims 35-40 have been cancelled in the interests of reducing issues.

Claims 1, 2, 3, 6, 9, 11-15 and 34-40 are rejected as obvious under 35 USC § 103(a) from Gu (cited by applicant in IDS). Applicants respectfully traverse this rejection. The response should be broken in two parts. The claims directed to the alloy *per se* and claims directed to a method. The method claims all incorporate the allowed Claim 29 and are limited by this dependency. The method claims, as amended, should be allowed. Applicants have distinguished the teachings of Gu with respect to the product in

previous amendments and Declarations. In the interests of moving the application to issue, Applicants have amended the claims as shown above.

Concurrently, Applicants are filing a provisional one month extension of time to give the Examiner an opportunity to consider the Amendment after Final. Applicants respectfully requests that a timely Notice of Allowance be issued in this case. The Director is hereby authorized to charge any additional fees or underpayments under 37 C.F.R. § 1.16 & 1.17; and credit any overpayments to Deposit Account No. 19-2201 held in the name of U.S. Army Materiel Command.

Respectfully submitted,  
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